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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,661	10/09/2003	David E. Rice	3056.111	1811
7590	12/19/2005		EXAMINER LUM VANNUCCI, LEE SIN YEE	
Bradley P. Heisler Heisler & Associates Suite 300 3017 Douglas Blvd. Roseville, CA 95661			ART UNIT 3611	PAPER NUMBER

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/683,661	Applicant(s) RICE ET AL.	
	Examiner Lee Lum	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-30 and 32-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-10, 32-34 and 36-51 is/are allowed.
- 6) ☒ Claim(s) 11, 21 and 35 is/are rejected.
- 7) ☒ Claim(s) 12-20 and 22-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) ☐ Notice of Informal Patent Application (PTO-152) |
| 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

DETAILED ACTION

1. An Amendment was filed 10/26/05 in which Claims 1 and 31 were also cancelled.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 11, 21 and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Shiratsuchi 4413700.

Re **Claim 21**, Shiratsuchi discloses a motorcycle rear passenger handle apparatus comprising

First and second hand supports/handles 30 (figs 1 and 2; U-shaped handle), each coupled to the motorcycle, and flexibly extending from the motorcycle, *as broadly and reasonably interpreted* (i.e., via retractable supports 21).

Re **Claim 35**, the reference further discloses

The first and second handles, each having an upper end 31 (and including portion 30; towards U-shape), spaced from a lower end 33,

The lower end including means 35 to directly attach to the motorcycle,

The upper end to be grasped by the (rear) passenger.

Re **Claim 11**, the reference further discloses a method for a rear passenger on a motorcycle to hold on, the steps derived from the structure and/or means provided above.

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3. ALLOWABLE SUBJECT MATTER

- a. **Claims 2-10, 32-34 and 36-51 are allowable.** Prior art does not disclose the assembly described above further comprising, *inter alia*, each handle being flexible between upper and lower ends.
- b. **Claims 12-20, 22-30 and 32-43** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Prior art does not disclose the assembly described above further comprising, *inter alia*, the handles/supports being flexible elongate lines.

4. The prior art considered pertinent to the disclosure, but not relied upon, include:
Iwase et al 5419625, Morinaka et al 5025883, Watanabe et al 5002149.

5. RESPONSE TO REMARKS

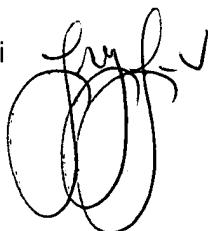
Upon reconsideration, Examiner provides new rejections for some claims, and apologizes for the inconvenience. The bulk of the claims remain allowable.

6. Communication with the USPTO/Examiner

Any inquiry concerning this communication, or others, may be directed to Ms. Lum at 571 272-6649, M-F, 9-5. If she cannot be reached, her supervisor, Ms. Lesley Morris, may be reached at 571 272-6651. Our fax number is 571 273 8300.

Information re the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) System as follows: for unpublished applications - private PAIR only, for published applications - private or public PAIR. For more info on PAIR - <http://pair-direct.uspto.gov>. For more info on private PAIR - call the Electronic Bus. Center at 866 217-9197.

Ms. Lee Lum-Vannucci
Examiner
12/8/05




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SUPERVISORY PATENT EXAMINER
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